

## Message Text

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ORIGIN NEA-10

INFO OCT-01 ISO-00 L-03 CIAE-00 INR-07 NSAE-00 H-02 EB-07

COME-00 TRSE-00 OMB-01 PM-04 NSC-05 SP-02 SS-15

JUSE-00 SEC-01 FTC-01 PA-01 PRS-01 USIA-06 /067 R

DRAFTED BY NEA/AFN:MCKING-L/NEA:JROHWER:SKG

APPROVED BY NEA/AFN:WWEISLOGEL

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P 070153Z APR 76

FM SECSTATE WASHDC

TO AMEMBASSY TRIPOLI PRIORITY

INFO AMEMBASSY CAIRO PRIORITY

AMEMBASSY TUNIS PRIORITY

C O N F I D E N T I A L STATE 083386

E.O. 11652: EO GDS

TAGS: PFOR MASS LY US EG

SUBJECT: LIBYAN DIPLOMATIC NOTE ON C-130S

REF: TRIPOLI 454

1. THE FOLLOWING DIPLOMATIC NOTE WAS PRESENTED TO DEPARTMENT (NEA/AFN) APRIL 1 BY LIBYAN SECOND SECRETARY GADDOUR:

BEGIN TEXT

THE EMBASSY OF THE LIBYAN ARAB REPUBLIC PRESENTS ITS COMPLIMENTS TO THE DEPARTMENT OF STATE AND HAS THE HONOR TO REQUEST COMPLETE DETAILS CONCERNING COMMISSIONS AND BRIBES PAID TO LIBYANS AND NON-LIBYANS IN CONNECTION WITH THE DEAL OF C-130'S BOUGHT BY THE LIBYAN ARAB REPUBLIC FROM LOCKHEED, AS DETAILED IN THE REPORT PREPARED BY THE CONGRESSIONAL COMMITTEE HEADED BY SENATOR FRANK CHURCH.

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ALSO, REQUESTED, ASSURANCES THAT THE C-130'S TO BE DELIVERED

TO EGYPT ARE NOT FROM THE LIBYAN C-130'S.

THE EMBASSY OF THE LIBYAN ARAB REPUBLIC CONSIDERS THIS REQUEST AS OF GREAT URGENCY AND IMPORTANCE, AND THUS WOULD VERY MUCH APPRECIATE A PROMPT REPLY.

THE EMBASSY OF THE LIBYAN ARAB REPUBLIC AVAILS ITSELF OF THIS OPPORTUNITY TO RENEW TO THE DEPARTMENT OF STATE THE ASSURANCES OF ITS HIGHEST CONSIDERATION.

END TEXT

2. DEPT REPLIED THAT REQUESTS WOULD BE CONSIDERED AND OFFICIAL RESPONSE WOULD BE FORTHCOMING. ON THE SURFACE, HOWEVER, IT WOULD APPEAR THAT LARG NEED NOT FEAR THAT ITS AIRCRAFT WOULD BE DIVERTED TO EGYPT: THE C-130S HERE ARE LIBYAN NOT USG PROPERTY. GADDOUR REPEATED THAT LARG DESIRED OFFICIAL USG ASSURANCES ON MATTER.

3. DEPTOFF TOOK OPPORTUNITY TO REFER TO SERIES OF SPEECHES BEING MADE BY CHAIRMAN QADHAFI WHICH CONTAINED HIGHLY DEROGATORY REFERENCES TO USG. GADDOUR SEEMED UNFAMILIAR WITH SPEECHES OR EVENTS OCCURRING IN LIBYA, EGYPT, AND TUNISIA. DEPTOFF GAVE MARCH 30 SPEECH AS AN EXAMPLE.

4. FYI: DEPT HAS NOT YET DECIDED HOW TO RESPOND TO LARG REQUEST FOR LOCKHEED INFORMATION. AT DEPARTMENT'S REQUEST JUSTICE IS ASSISTING RESPONSIBLE LAW ENFORCEMENT AUTHORITIES IN SOME COUNTRIES, SUCH AS JAPAN AND ITALY, TO OBTAIN INFORMATION RELEVANT TO ONGOING INVESTIGATIONS IN THOSE COUNTRIES. IN SUCH CASES, FORMAL JUDICIAL ASSISTANCE AGREEMENT HAS BEEN NEGOTIATED BETWEEN JUSTICE AND ITS COUNTERPARTS. ONE CONDITION IN AGREEMENTS IS THAT ANY INFORMATION SUPPLIED BY JUSTICE BE KEPT CONFIDENTIAL UNTIL SUCH TIME AS RECIPIENT GOVERNMENT CONCLUDES ITS INVESTIGATION AND DECIDES USE OF INFORMATION ESSENTIAL TO LAW ENFORCEMENT PROCEEDING. JUSTICE, HOWEVER, HAS DECLINED TO SCREEN RAW LOCKHEED DOCUMENTS FOR GOVERNMENTS (SUCH AS LARG) WHICH HAVE COME IN WITH VAGUE REQUEST FOR ANY INFORMATION WHICH MIGHT EXIST RELATING TO POSSIBLE BRIBERY OF CONFIDENTIAL

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THEIR NATIONALS. IN JUSTICE'S VIEW, THEY SHOULD ASSIST ONLY IN INSTANCES WHERE FOREIGN GOVERNMENT ALREADY HAS SUFFICIENT INFORMATION TO COMMENCE RESPONSIBLE CRIMINAL INVESTIGATION.

5. GIVEN BACKGROUND OF LARG REQUEST IN REFTTEL, WE DO NOT BELIEVE IT WILL QUALIFY FOR JUSTICE DEPARTMENT ASSISTANCE. POSSIBLE ALTERNATIVE IS TO SUGGEST LARG EMBASSY COMMUNI-

CATE DIRECTLY WITH CHURCH SUBCOMMITTEE. THIS OPTION  
REMAINS UNDER CONSIDERATION.

6. LARG NOTE ALSO REQUESTED ASSURANCE LIBYAN C-130'S WOULD  
NOT BE TRANSFERRED TO EGYPT. SINCE LARG HOLDS TITLE TO  
C-130'S THEY CANNOT BE TRANSFERRED TO ANY OTHER PARTY

WITHOUT LARG CONSENT (UNLESS, CONCEIVABLY, EFFORT WAS  
MADE BY PRIVATE PARTIES IN U.S. TO ATTACH AIRCRAFT AS PART  
OF LAWSUIT AGAINST LARG FOR MONEY DAMAGES). END FYI. KISSINGER

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